



PATENT
Customer No. 22,852
Attorney Docket No. 02860.0637-02000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Norikazu ARAI et al.) Group Art Unit: 2627
)
Application No.: 10/612,019) Examiner: Kim-Kwok CHU
)
Filed: July 3, 2003) Confirmation No.: 5449
)
For: OPTICAL PICK-UP APPARATUS,)
RECORDING/REPRODUCING)
APPARATUS PROVIDED WITH)
THE OPTICAL PICKUP)
APPARATUS, OPTICAL ELEMENT,)
AND INFORMATION)
RECORDING/REPRODUCING)
METHOD)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

TERMINAL DISCLAIMER

Assignee, Konica Corporation, duly organized under the laws of Japan and having its principal place of business at 26-2 Nishishinjuku 1-chome, Shinjuka-ku, Tokyo 163, Japan, represents that it is the assignee of the entire right, title and interest in this application, Application No. 10/612,019, filed July 3, 2003 for OPTICAL PICK-UP APPARATUS, RECORDING/REPRODUCING APPARATUS PROVIDED WITH THE OPTICAL PICKUP APPARATUS, OPTICAL ELEMENT, AND INFORMATION RECORDING/REPRODUCING METHOD in the names of Norikazu Arai, Toshiyuki Kojima, Toshihiko Kiriki, Kohei Ota, and Shinichiro Saito, as indicated by assignment

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duly recorded in the United States Patent and Trademark Office at Reel 010529, Frame 0243 on January 20, 2000. Assignee, Konica Corporation, further represents that it is the assignee of the entire right, title, and interest in and to U.S. Patent 6,950,384 ("the '384 patent"), as indicated by assignment duly recorded in the United States Patent and Trademark Office at Reel 010529, Frame 0243 on January 20, 2000. The '384 patent and this application are both continuations of U.S. Patent Application No. 09/487,928, now U.S. Patent 6,870,805.

To obviate a double patenting rejection, assignee hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on this application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of the '384 patent. Assignee hereby agrees that any patent so granted on this application shall be enforceable only for and during such period that it and the '384 patent are commonly owned. This agreement runs with any patent granted on this application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Assignee, Konica Corporation, does not disclaim the terminal part of any patent granted on this application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the '384 patent as presently shortened by any terminal disclaimer, in the event that the '384 patent later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or in part, is terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a

reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

In accordance with the fee schedule set forth in 37 C.F.R. § 1.20(d), the required fee of \$130.00 is being filed with this disclaimer.

If a check for the required fee is not filed concurrently herewith or if there are any additional fees due in connection with the filing of this Terminal Disclaimer, please charge the fees to our Deposit Account No. 06-0916. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to Deposit Account No. 06-0916

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: September 14, 2006

By: 

Michael R. Kelly
Reg. No. 33,921